

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 PM, Wednesday, June 13, 2007
Wayzata City Hall

CALL TO ORDER

Skramstad called the meeting to order at 7:03 p.m.

ROLL CALL

Members present: Tom Skramstad, Shorewood; Tom Scanlon, Spring Park; Tom Seuntjens, Minnetonka Beach; Doug Babcock, Tonka Bay; Mary Bader, Wayzata; David Gross, Deephaven; Steve Johnson, Mound; Andrew McDermott, Orono; Kelsey Page, Greenwood; Lisa Whalen, Minnetrista. Also present: Charles LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; Emily Herman, Administrative Assistant.

Members absent: Leigh Harrod, Excelsior; Pete Nelson, Victoria; Herb Suerth, Woodland; Katy Van Hercke, Minnetonka.

CHAIR ANNOUNCEMENTS, Chair Skramstad

Skramstad stated that the City of Greenwood had recently appointed a new Board member to the LMCD. He welcomed Kelsey Page on behalf of the Board and asked LeFevere to administer the oath of office.

LeFevere administered the oath of office to Kelsey Page. He was seated as representative for the City of Greenwood.

Skramstad stated that there was a need to re-schedule a date for the annual Board Lake Inspection Tour. The Board discussed this and the consensus was to conduct the annual tour on July 9th.

READING OF MINUTES- 05/23/07 LMCD Regular Board Meeting

MOTION: Gross moved, McDermott seconded to approve the minutes from the 5/23/07 LMCD Regular Board Meeting as submitted.

VOTE: Ayes (8); Abstained (2; Babcock and Scanlon); motion carried.

PUBLIC COMMENTS - Persons in attendance, subjects not on agenda (5 min.)

There were no comments from the public on subjects not on the agenda.

CONSENT AGENDA- Consent agenda items identified with a (*) will be approved in one motion unless a Board member requests discussion of any item, in which case the item will be removed from the consent agenda.

Bader moved, Scanlon seconded to approve the consent agenda as submitted. Motion carried unanimously. Item so approved included: **2A**, Audit of Vouchers (6/1/07 – 6/15/07), and **3A**, Accept

minutes from the 4/13/07 EWM/Exotics Task Force meeting.

- **Minnehaha Creek Watershed District (MCWD)**, presentation of 2006 Water Quality Monitoring Program by Dr. Udai Singh.

Skramstad stated that Dr. Udai Singh from the Minnehaha Creek Watershed District (MCWD) was in attendance to review the Water Quality Monitoring Program conducted in 2006. He welcomed Singh on behalf of the Board.

Dr. Singh made the following comments:

- He stated that he was the Senior Hydrologist/Water Quality Specialist for the MCWD. For this project, there were two staff members that assisted. These included: 1) Yvette Christianson (Water Quality Assistant- Stream Monitoring), and 2) Jason Carlson (Water Quality Assistant- Lake Monitoring).
- Beginning in 2006, the MCWD assumed the water quality monitoring program on Lake Minnetonka. Prior to 2006, this was conducted by the Three Rivers Park District.
- He provided the Board a summary of hydrodata information for stream monitoring. This included: 1) stream flow measurement and water quality sampling on the Minnehaha Creek and the Upper Watershed, 2) sampling sites on the Minnehaha Creek and the Upper Watershed, and 3) identifying continuous water level monitoring sites. In 2006, biweekly water quality samples were collected for E. coli analysis in June, July and October, with weekly samples collected in August and September. Chloride sampling also took place at 10 sites on the Minnehaha Creek and nine sites on the Upper Watershed during the winter months when salting and sanding of the roads occurred.
- He provided the Board a summary of hydrodata information for lake monitoring. This included: 1) 26 monitoring sites on Lake Minnetonka (biweekly), 2) 11 Upper Watershed lakes (biweekly), 3) 14 limited access Upper Watershed lakes (monthly), 4) 10 Minneapolis Chain of Lakes monitored by the Minneapolis Parks and Recreation Board (monthly) and 5) four Met Council CAMP sites (monthly).
- Intensive monitoring took place in 2006 at the 26 sites on Lake Minnetonka and the 11 Upper Watershed lakes. This monitoring included: 1) YSI probe measurements for DO, Temp, pH, and conductivity were taken at each meter depth, 2) water samples from one meter below water surface were analyzed for TP as well as SRP (soluble reduced Phosphorus), Chlorophyll-a, and TN, 3) water samples from one meter up from the bottom of the lake was analyzed for TP and SRP, and 4) secchi depth measurements were also taken at the each monitoring site. Samples for Phytoplankton as well as Zooplankton analysis were also collected monthly on Halstead, Jennings, and Stubbs Bays. He reviewed a table that provided a historical overview of the water quality grade for each bay on Lake Minnetonka from 1998 through 2006.
- Other projects that the MCWD was involved with included: 1) telemetry-remote data access for lake levels on Lake Minnetonka, 2) three dimensional lake model research project, 3) lake bathymetry, 3) on-site weather station, and 4) participation in a 2008 Lake Minnetonka management plan.
- He entertained questions and comments from the Board.

During his presentation, the Board made a number of comments and asked a number of questions that Singh responded to. This included: 1) the location of flow and water quality stations from Classen Lake

to Stubbs Bay, 2) the possible location for an on-site weather station for the MCWD (the Lake Minnetonka Communications Commission), including the location of existing weather stations on Lake Minnetonka (the Grays Freshwater Biological Institute and the Minnetonka Yacht Club), 3) the monitoring parameters taking place on the Minneapolis Chain of Lakes and whether it takes into consideration heavy metals, such as mercury, 4) the citizens lake monitoring program already taking place on Lake Minnetonka for secchi disk readings, and 5) improvements made to taking lake level readings on Lake Minnetonka by telemetry-remote data access.

Skramstad thanked Dr. Singh for the fine work conducted by the MCWD over the years.

PUBLIC HEARING

- **Jeff and Jill Pugh**, dock length, side setback, and adjusted dock use area variance application from LMCD Code at 3585 Frederick Street on Carmans Bay.

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated that it had been brought to his attention that the applicants were prepared to review alternative proposed site plans for consideration by the Board. However, he believed that the points of emphasis outlined in the staff memo, dated 6/7/07, still were relevant to a request from Jeff and Jill Pugh for variance from LMCD Code for dock length, side setbacks, and an adjusted dock use area (DUA). The applicants have proposed a 90' long adjusted DUA, although he believed that the placement of the adjusted DUA would be slightly adjusted from the proposed site plan. He highlighted three LMCD Code Sections to evaluate the variance application. These included: 1) Code Section 2.01, subd. 1- outlines authorized dock use area requirements, 2) Code Section 1.07- outlines the variance process from LMCD Code, and 3) Code Section 2.02- outlines the number of restricted watercraft that may be stored at a site. He believed that there were four fundamental issues for the Board to address when considering the variance application. First, the applicants have provided adequate documentation that shallow water exists at this site to grant a dock length variance. However, a question remains on what the reasonable dock length was for this site because of the potential impact that it might have on the abutting properties. Second, in order to provide the applicants a DUA, either one or both of the extended side site lines needs to be adjusted, with the possibility of side setback relief. A question remains on whether the proposal to adjust only the easterly side site line extension makes sense or whether it should be balanced between the two abutting properties. Third, in past adjusted DUA variances, the Board has frequently granted setback and/or length relief for the abutting site(s) that are impacted. The Board should consider what types of relief you deem appropriate for the abutting site(s) if the Board was inclined to direct LMCD legal counsel to prepare Findings of Fact and Order to approve the Pugh variance application. Fourth, a question remained on the appropriate width for this site, which he believed that it should not exceed 11'. He entertained questions and comments from the Board.

Skramstad asked how this dock had been historically installed based on LMCD Code.

Nybeck stated that the dock historically was illegal from a length standpoint, with mutual consent for side setbacks from the abutting neighbors. This issue had been brought to his attention in recent years because concerns had been raised in the neighborhood.

Babcock stated that the abutting sites to the west and east appeared to be combined lots. He

questioned whether this would remain in the future or possibly be subdivided for additional housing.

Nybeck stated that the abutting site to the east had a newly constructed house that was on lots 13 and 14 and was for sale. Additionally, the applicants house was also for sale. With regards to the house to the west on lots 3 and 4, he suggested that the applicants might have a better understanding of this site.

Bader asked how long the neighbors docks were.

Nybeck stated that he believed that the neighbors docks were approximately 100' long.

Mr. Jeff Pugh stated that he and his wife owned the property at 3585 Frederick Street. There were a number of issues taking place at this site because the site was pie-shaped. The docks in this area are longer than most areas of Lake Minnetonka because of shallow water. At his site, the water depths were 3.9' with a dock length of 90'. He recently met with Nybeck and Bob Pieper, the abutting property owner to the east, because there was concern that the proposed plan might create some opposition. He and his wife have lived at this site for the past 14 years and they were looking to resolve the docking issues through the variance process. The hope was to satisfy the concerns of the neighbors in the area, yet resolve their docking issues. The original proposed site plan took into consideration that all docks paralleled each other towards the center of the bay. By doing this, this adjusted only the common extended side site line with Pieper. Based on the meeting with Pieper and Nybeck, Pieper recommended that this angle of deflection should be shared equally with the abutting neighbor to the west. He reviewed three proposed compromised site plans with the Board (B1, B2, and C), identifying the location of the dock, the proposed DUA, and the proposed side setback(s).

Seuntjens and Scanlon questioned whether 21' of 929.4' shoreline existed at this site.

Nybeck stated that the amount of 929.4 shoreline was estimated at 21', although the width of the DUA from point to point appears to be approximately 19'.

Skramstad opened the public hearing at 7:54 p.m.

Mr. Bob Pieper, 3995 North Shore Drive, stated that he was representing Minnetonka Custom Homes that owned the abutting house to the east. He believed that a hardship existed to grant a variance to the applicants. However, he believed that this variance should be balanced equally between the two abutting sites.

Mr. Paul Larson, 3865 Shoreline Drive, stated that he was the real estate agent that sold the abutting house to the west, which has 108' of lakeshore frontage. The applicants site was a \$1,000,000 piece of property and has historically had a ski boat and two personal watercraft. He hoped that the Board would grant the request made by the applicants.

There being no further comments, Skramstad closed the public hearing at 7:56 p.m. He asked Nybeck to comment on the proposed compromised site plan.

Nybeck stated that he believed a positive step was that the abutting neighbor(s) addressed their concerns at LMCD staff level rather than at the Board level. He believed that Plan B1 made the most

sense, although he questioned whether the width of the DUA for docking and boat storage should exceed 11' because of a precedent it might set. Additionally, he did not believe the site could store more than two restricted watercraft.

Skramstad and Seuntjens stated that it appeared there might be future dock length variance requests needed for sites to the east.

Babcock questioned whether the storage of a personal watercraft was appropriate at this site due to the fact that a dock length variance was requested. If the dock length variance was not necessary, there might not be enough space to store personal watercraft at this site. He also questioned whether a 90' long dock was appropriate for a 20' wide site. With regards to the width of the DUA, he believed that 11.5' was appropriate, provided the number of watercraft was limited to one.

Seuntjens stated that for discussion purposes, he believed that the width of the adjusted DUA was 19' and the Board should take this into consideration.

Gross asked if the applicants had discussed the proposed compromised plans with the abutting neighbors to the west.

Pugh stated that he had discussed the proposed compromised site plans with David and Megan Conastrachi, pointing out that they understood the situation and supported the variance request.

MOTION: Babcock moved, Seuntjens seconded to direct LMCD legal counsel to prepare Findings of Fact and Order to approve the Jeff and Jill Pugh dock length, side setback, and adjusted DUA variance application with the following conditions: 1) 90' long DUA by adjusting the westerly extended side site line 12 degrees to the west and the easterly extended side site line 10 degrees to the east (subject to staff validating these degree of deflections), 2) a DUA width of 19', with no canopies allowed, 3) no extensions allowed for dock length during declared low water emergencies by the LMCD, 4) one restricted watercraft allowed at this site with a length restriction of 26' length overall (with a beam width of 8.5'), and 5) to allow the abutting neighbors to install their docks out to 120' in length.

McDermott and Seuntjens questioned why the applicants dock length would be restricted to 90' and the abutting neighbors would be allowed to install a dock 120' in length.

Babcock stated that the motion allowed for a longer dock at the abutting sites because he believed they supported a longer dock much easier than the applicants site. The longer DUA for the abutting properties was an attempt to provide them some relief for the part of the DUA they would be losing by granting the applicants DUA variance request.

Seuntjens asked for clarification of the 8.5' width restriction of the DUA.

Babcock believed that the biggest impact on the abutting neighbors was the width of the DUA and he believed that the restriction of 8.5' wide by 26' in length was reasonable.

Seuntjens proposed a friendly amendment to the motion that the width of the area to store boats, including boat lift, would be 10.5' rather than 8.5'. Babcock agreed to this.

Skramstad questioned why the motion included a restriction of one watercraft.

Babcock stated that he believed a 20' wide lot could only store one watercraft without impacting the DUA of the abutting neighbor(s).

Kelsey stated that he did not think that there was a need to provide the abutting neighbors additional dock length at this time because they were not advocating that.

Babcock stated that he did not believe that providing the abutting neighbors relief would not do any harm, noting that this had been done in past DUA variance applications and could prevent future problems.

LeFevere questioned whether there would be a restriction on unrestricted watercraft at this site.

Babcock stated that he preferred one watercraft at this site, restricted or unrestricted.

Gross proposed a friendly amendment to limit the number of watercraft at this site to one restricted watercraft. Babcock and Seuntjens agreed to this.

Pugh stated that a personal watercraft had been stored at this site for the past 14 years. He did not believe that the abutting neighbors would object to the additional restricted watercraft provided that the second restricted watercraft was a personal watercraft.

Nybeck stated that if the Board were to approve the motion as proposed, this would not preclude the applicants from working with the abutting neighbors on a common docking situation that might allow a second restricted watercraft to be stored at this site. The advantage of securing a variance from LMCD Code at this time would be to clarify what could be done at this site if neither of the abutting property owners consent to a common docking situation in the future. He pointed out that this had been communicated to the applicants.

VOTE: Ayes (9); Nayes (1, Kelsey); motion carried.

1. WATER STRUCTURES

- A. City of Orono**, consideration of request for a minor LMCD Code amendment relating to the storage of a Fire Department Boat on a city owned property.

Skramstad asked Nybeck for background on this agenda item.

Nybeck stated that he and LeFevere had recently received a request from the City of Orono to install a dock on municipality property to store a fire boat for public safety purposes. One of the problems with existing LMCD Code was that municipal property was defined as commercial and the City of Orono would need to secure a commercial license. The City of Orono has submitted a request to exclude this type of use from the definition of a commercial dock. A draft Code amendment was prepared by LeFevere that would allow the Board to consider the request made by the City of Orono.

LeFevere stated that the draft Code amendment, if adopted, would preclude the City of Orono from needing a multiple dock license if four or few restricted watercraft were stored at the site. Current LMCD Code would require the City of Orono to get a commercial dock license from the LMCD, no matter the number of restricted watercraft that were stored at the site.

Mr. Gabriel Jabbour, 985 Tonkawa Road, stated that the City of Orono had requested that he speak on their behalf. In recent years, the LMCD adopted a Code amendment that allowed fire boats to be stored at commercial marinas on Lake Minnetonka and to not count against these facilities' boat density allowances. There has been an increase on service calls for fire boats on Lake Minnetonka, pointing out that they were addressing substantially more than fire situations. He supported the draft Code amendment prepared by LeFevere.

MOTION: Babcock moved, McDermott seconded to approve first reading of a draft Code amendment as submitted, to waive second and third readings, and adopt it.

VOTE: Motion carried unanimously.

B. Additional Business

There was no additional business.

2. FINANCIAL

B. Review of draft 2008 LMCD Budget

Skramstad stated that the Board in recent months had discussed the draft 2008 LMCD Budget. Feedback had been received for the LMCD to do a superior job of enforcing existing LMCD regulations. In response to this and a number of other projects of interest to the LMCD Board, the first draft of the 2008 LMCD Budget had a levy increase of over 20 percent to the member cities when compared to 2007. The Board knew that this would be troublesome and reduced the levy increase in May to 10.1 percent. A meeting was coordinated by the LMCD on May 24th in the office and a number of member cities attended. Additionally, written and e-mailed comments have been provided by other member cities. He believed that most member cities are supportive of the LMCD, although they would like the Board to be fiscally responsible. He believed that there were three line-items for the Board to focus on at this meeting. These included: 1) Whether to fund the additional ½ time LMCD staff member for proactive LMCD Code enforcement efforts (\$22,391.20), 2) Whether to reschedule Boat Density and User Attitude Surveys for another year (possibly 2009 or 2010) or to discontinue the management plan project and re-allocate pre-paid expenses already received (\$15,750), and 3) Whether to include \$10,000 of funding to transfer to the Administrative Reserve Fund? He read comments from Board member Nelson in his absence at this meeting.

Gross stated that the City of Deephaven was of the opinion that the EWM Harvesting Program was the most visible, and some people believe, the most useful project that the LMCD conducts. However, funds were not included in the draft 2008 LMCD Budget to replace this equipment and the City of Deephaven was concerned about this.

Whalen stated that the City of Minnetrista was not in favor of the Boat Density and User Attitude Surveys project due to the lack of an objective. She questioned whether an objective had been

clarified over the years or whether a project had been established with data received from this project. The City of Minnetrista believed that the funds collected for this project could be re-allocated to other projects to reduce the overall levy to the LMCD member cities.

McDermott asked for background of why this project was originally created.

Babcock stated that there was a well documented purpose for this project when it was created based on the 1991 Management Plan for Lake Minnetonka. He provided practical uses of how the data had been used from these past surveys. This included managing to the quality of the experience, not so much the boat counts themselves. Additionally, there were specific questions relating to exotic species and the public's awareness of milfoil and zebra mussels. He stated that he was not troubled with delaying the project, although he would be concerned about discontinuing the project entirely. This project has included two aspects over the years. This included: 1) flyover surveys of active boats on pre-determined days, and 2) user attitude surveys to collect information from homeowners, marina owners, and the public that use public accesses.

Whalen questioned whether any of the information was being used with this information.

Babcock stated that he understood the comments made by Whalen from a micro standpoint rather than a macro standpoint. In the management plan, there are well defined threshold points to be implemented if the boat density reaches a certain level. However, these threshold points have not been triggered based on boat density levels determined by past flyover surveys.

Seuntjens stated that it appeared that information was being used more frequently from the user attitude surveys rather than the flyover surveys. He asked how the costs for these management plan projects break down.

Nybeck stated that the proposed costs for both management plan projects in 2008 was \$55,000 to \$60,000, with the LMCD paying for ½ of the costs and the MN DNR paying for the remaining 50 percent of the project. If the Board were to conduct another user attitude survey in 2008, he believed that this could be done for approximately \$30,000, with the MN DNR picking up 50 percent of the costs.

The Board continued its discussion relating to the draft 2008 LMCD Budget and possible areas where funding could be reduced and/or eliminated. This included: 1) the \$15,750 of pre-paid management plan expenses received and how to best appropriate this, 2) whether it would be more appropriate to address the fly-over and user attitude surveys in the 2009 LMCD Budget process, 3) whether funding an extra position for LMCD Code enforcement was necessary and could the LMCD afford it, 4) whether there was a need to include \$10,000 in the budget to be transferred Administrative Reserve Fund, 5) how much funding should be included in the budget to replace EWM harvesting equipment, 6) to what level would the LMCD member cities agree to a levy increase in 2008 compared to 2007, and 7) the need for LMCD staff to review the existing fee schedule.

MOTION: Seuntjens moved, Babcock seconded to: 1) approve and certify the draft 2008 LMCD Budget as amended by reducing prepaid management plan expenses already received from \$15,750 to \$7,875 and reducing funds budgeted for the

Administrative Reserve Fund from \$10,000 to \$5,000, and 2) to direct LMCD staff not to send the approved 2008 LMCD Budget to the member cities until June 28th.

Page asked for clarification of how much the overall levy increase to the LMCD member cities would increase from 2007.

Nybeck stated that the overall levy increase to the LMCD member cities would increase by 5.8 percent.

VOTE: Motion carried unanimously.

C. Additional Business

There was no additional business.

3. EWM/EXOTICS TASK FORCE

B. Chair update on 6/8/07 EWM/Exotics Task Force meeting.

Skramsad asked Nybeck for background on this agenda item.

Nybeck stated there were two primary discussion items at this meeting. First, there was a brainstorming session on how to put together a comprehensive aquatic invasive species (AIS) plan for Lake Minnetonka. This was in response to the recent mayor's request for a more detailed AIS plan if the LMCD requested additional funding from the member cities in the future. Second, there was discussion on a partial lake vegetation management plan (LVMP) for Lake Minnetonka. He reported that the Army Corps of Engineers would be conducting plant inventories for the entire bays in Carmans, Grays, and Phelps Bay as part of the follow-up of the 2006 Milfoil Demonstration Project. To conduct a partial LVMP for Lake Minnetonka, the public participation process should be conducted in the same year that the plant inventories were conducted and Lake Minnetonka Association (LMA) Executive Director was in attendance to address this.

LMA Executive Director Dick Osgood stated that a LVMP template was provided by the MN DNR. Aspects included in a LVMP include: 1) description of the lake and water quality, 2) aquatic vegetation (to be conducted by the Army Corps of Engineers, 4) goals for management of aquatic plants, 5) actions to achieve goals, 6) conditions of operations and permits, 7) responsibilities of the various organizations to be involved, 8) monitoring, 9) duration and review of LVMP, and 10) preparation, approval, and distribution of LVMP. He stated that he had requested the Army Corps of Engineers to include St. Albans Bay as part of the plant surveying aspect of the LVMP.

Babcock asked how much direct benefit Lake Minnetonka would see from a LVMP.

Osgood stated that he believed there would be a great deal of benefit to Lake Minnetonka because a LVMP had not been conducted and it was needed to get variances from MN DNR rules for permitting purposes. He believed that a LVMP was an opportunity to control plants, particularly aquatic invasive species, and Lake Minnetonka currently lacks the information on where they are. He provided an overview of the projects to be included in the draft budget, and the time and costs to be committed to by LMA and the LMCD.

Skramstad asked what was hoped to be accomplished at this Board meeting.

The Board discussed whether to participate in the partial LVMP in 2007. Some of the discussion included: 1) how project costs might be reduced, 2) LMCD funding was unbudgeted and would need to be funded by "Save the Lake", and 3) the time commitment for LMCD staff and whether this was feasible.

Nybeck stated that 66 hours was a lot of time for LMCD staff to commit to in 2007. However, he believed that time could be found for the LMCD to participate in the public participation aspect of this process in light of the pro bono commitment from the Army Corps of Engineers for the plant surveying.

The consensus of the Board was to participate in this LVMP project, provided that Nybeck had adequate time to devote to this project.

C. Additional Business

Johnson left at 10:00 p.m.

Nybeck stated that an invoice from Environmental Sentry Protection was included in the handout folder for fixed costs associated with the Internet Landing Installed Device Sensors (I-LIDS) at Grays and Maxwell Bay public accesses. At the May 23rd Board meeting, it was reported that the units were up and operating at these two public accesses and the Board agreed to pay the fixed costs at these public accesses, which Eric Lindberg invoiced the LMCD shortly thereafter. However, there were a number of contract deficiencies that made Nybeck uncomfortable to pay this invoice at this time. He hoped to point these contract deficiencies out at this meeting to provide the Board with adequate information as to whether to pay this invoice. However, Lindberg was unable to attend this meeting due to the short notice and his commitment to another meeting this evening. Nybeck suggested holding payment of this invoice over to the June 27th Board meeting; however, Lindberg requested Board consideration to pay this invoice at this meeting. He believed that this decision was up to the Board at this time.

Whalen asked for Nybeck's recommendation on whether to pay the invoice at this meeting.

Nybeck recommended holding the invoice for payment by the LMCD to the June 27th Board meeting.

Babcock asked Nybeck to include a copy of the 2007 I-LIDS contract in the June 27th Board packet.

4. ADMINISTRATION

- A.** Consideration of staff recommendation for compensation adjustment for Administrative Technician, Judd Harper.

Skramstad asked for background on this agenda item.

Nybeck reviewed a staff memo, dated 6/13/07, which summarized a compensation adjustment for Judd Harper. He recommended that the Board adjust his hourly rate from \$22.84 to \$23.96, retroactive to 5/1/07.

MOTION: Gross moved, Whalen seconded to approve compensation adjustment for LMCD Administrative Technician Judd Harper from \$22.84 to \$23.96, retroactive to 5/1/07.

Skramstad stated that he had participated in Harper's performance and compensation review, adding that he agreed with Nybeck's recommendation.

VOTE: Motion carried unanimously.

B. Additional Business,

There was no additional business.

5. LAKE USE & RECREATION

There was no discussion.

6. SAVE THE LAKE

There was no discussion.

7. EXECUTIVE DIRECTOR REPORT

Nybeck updated the Board on two items. First, the lake level as of June 13th was 929.25', with a discharge of 55 c.f.s. Second, the milfoil harvesting equipment was recently launched and was scheduled to harvest first in North Arm, Crystal Bay, and Maxwell Bay. Milfoil growth appears to be heavy initially in 2007 and there will be weekly updates on harvesting locations on the LMCD's website.

8. OLD BUSINESS

LMCD Lease Situation

LeFevere stated that the lease settlement offered by the Board to resolve the lease situation was rejected by the landlord. A summons for small claims court was recently received in the LMCD office for August and preparations would take place in the near future.

Recent Rotary Club Meeting

Skramstad stated that he had recently spoke at a local rotary club on the LMCD and Lake Minnetonka. He believed that there was a lot of good discussion and a powerpoint presentation was put together.

Funding of the LMCD by the Member Cities

Skramstad stated that one of the member cities had expressed concern about the percentage of the LMCD budget that they were responsible for. He talked to Shorewood Mayor Lizee' about this and he believed that this discussion should take place at mayor meetings and not be lead by the LMCD.

Voluntary Safety Flag Program

Skramstad stated that the Shorewood resident that was coordinating this Eagle Scout project, Greyson Hensley, was out of school and had commenced coordinating this project. He recently had received a flag from Hensley and he stated that he would keep the Board up to date on this project.

2007 Seahorse Condominium Association Multiple Dock License

Skramstad asked for an update on this.

Nybeck stated that Seahorse Condominium Association submitted a new multiple dock license, with public hearing, as recently directed by the Board.

Unpublished Opinion from the MN Court of Appeals

Skramstad asked for background on this

LeFevere stated that Steve Tallen, the LMCD's Prosecuting Attorney, recently had a case where a resident was storing more than two restricted watercraft at a residential site. The testimony and evidence of this case included Nybeck photographing that the same three restricted watercraft were at the dock on three separate occasions during a 15 day period, with only two allowed at the site. The MN Court of Appeals ruled against the LMCD because they believed the word "kept" was ambiguous. He and Tallen did not believe it made sense to petition the Minnesota State Supreme Court to review the ruling of the Minnesota Court of Appeals. Instead, he and Tallen would fix the ordinance and bring it back in the near future for consideration by the Board.

Environmental Review Committee

Gross stated that he and Whalen had recently convened its first committee meeting, with the purpose to discuss concepts. Based on the discussion at this meeting, three things were of interest to the committee. First, there was a consensus that the meandering shoreline ordinance needed to be revisited. Second, there was a consensus that there was a need to change the existing ordinance(s) to exclude non-usable from shoreline counts for density purposes, citing environmental reasons as an example. Third, there was a consensus of the need to re-evaluate how existing ordinances apply to outlot situations on Lake Minnetonka. Because some ordinances might need to be changed, he believed that there was a need for the Board to re-evaluate whether a moratorium should be established for new multiple dock license applications. He requested that this be placed on the agenda for the June 27th LMCD Board meeting.

Skramstad stated that he would support such an agenda item, provided the Environmental Review Committee had new information for the Board to consider.

Locust Hills New Bridge

Gross asked LMCD staff to comment on whether the new bridge being constructed at this Development was maintaining the navigational clearance to the wetland area north of the bridge.

Nybeck stated that he was unclear on this and that he would check with the MCWD on this and report back to the Board.

Pending Canning Litigation

Kelsey asked how he could be brought up to speed on this pending litigation since he was new and represented the City of Greenwood.

LeFevere stated that he would bring Kelsey up to speed on this.

9. NEW BUSINESS

There was no business to discuss.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:27 p.m.

Tom Skramstad, Chair

Tom Scanlon, Secretary